

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

UNILOC 2017 LLC,<sup>1</sup>  
Patent Owner.

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Case IPR2018-01093  
Patent 7,944,353 B2

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Before SALLY C. MEDLEY, GARTH D. BAER, and  
SEAN P. O'HANLON, *Administrative Patent Judges*.

O'HANLON, *Administrative Patent Judge*.

JUDGMENT  
Final Written Decision  
Determining Some Challenged Claims Unpatentable  
*35 U.S.C. § 318(a)*

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<sup>1</sup> At the time the Petition was filed, Uniloc Luxembourg S.A. was the patent owner.

## I. INTRODUCTION

### A. Background

Apple Inc. (“Petitioner”) filed a Petition for *inter partes* review of claims 1–20 (“the challenged claims”) of U.S. Patent No. 7,944,353 B2 (Ex. 1001, “the ’353 patent”). Paper 1 (“Pet.”), 1. Uniloc 2017 LLC (“Patent Owner”) waived its right to file a preliminary response. Paper 7, 2. On November 7, 2018, we instituted an *inter partes* review of the challenged claims on the sole ground raised in the Petition. Paper 8 (“Institution Decision” or “Inst. Dec.”), 25–26.

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 11, “PO Resp.”), Petitioner filed a Reply to the Patent Owner Response (Paper 12, “Pet. Reply”), and Patent Owner filed a Sur-Reply to Petitioner’s Reply (Paper 13, “PO Sur-Reply”). An oral hearing was held on August 20, 2019. A transcript of the hearing has been entered into the record. Paper 19 (“Tr.”).

In our Scheduling Order, we notified the parties that “any arguments for patentability not raised in the [Patent Owner] response will be deemed waived.” *See* Paper 9, 5; *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012) (“The patent owner response . . . should identify all the involved claims that are believed to be patentable and state the basis for that belief.”).

For the reasons that follow, we conclude that Petitioner has proven by a preponderance of the evidence that claims 1–12 and 15–18 of the ’353 patent are unpatentable. It, however, has failed to meet its burden of proof regarding the unpatentability of claims 13, 14, 19, and 20.

*B. Real Parties-in-Interest*

The Petition identifies Apple Inc. as the sole real party-in-interest. Pet. 7. Patent Owner states that its real parties-in-interest are Uniloc 2017 LLC, Uniloc USA, Inc., and Uniloc Licensing USA LLC. Paper 6, 1–2.

*C. Related Matters*

The parties indicate that the '353 patent is not subject to any district court litigation or any other Board proceeding. Pet. 7; PO Resp. 3.

*D. The Challenged Patent*

The '353 patent discloses a personal security system and method for detecting and signaling the existence of a critical event. Ex. 1001, 1:15–17. The '353 patent recognizes that when a critical event occurs, there may frequently be a delay in summoning assistance or dispatching emergency personnel or other equipment to the area of the emergency. *Id.* at 1:19–31. The '353 patent further recognizes that reducing response times to critical events would improve security, provide a valuable public service, and increase individual and public safety. *Id.* at 1:38–41.

Accordingly, the '353 patent discloses a personal safety alert system that broadcasts the occurrence of a critical event or other emergency situation so that public safety personnel or other assistance may be notified quickly. *Id.* at 1:45–48. Purported advantages of the system include minimizing response time to an emergency, automatically determining if an event should be categorized as requiring an emergency response and a

broadcast alert, and providing an advance warning of impending potentially negative events. *Id.* at 2:6–17. Figure 1 is reproduced below:

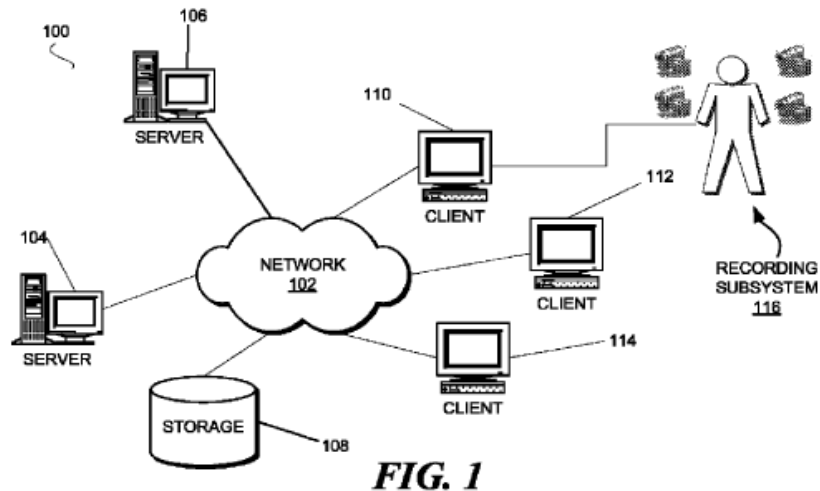


Figure 1 depicts a network of data processing systems in which illustrative embodiments may be implemented. *Id.* at 3:53–55. Data processing system 100 contains network 102, servers 104, 106, storage unit 108, clients 110, 112, 114, and recording subsystem 116. *Id.* at 3:55–4:27.

The data processing system may be used as a digital life recorder for capturing still images, video, audio, biometric information, and other types of data associated with the daily activities of a person via recording subsystem 116. *Id.* at 4:10–15. The recorded data is input into an analysis subsystem that compares the data to other information stored in a glossary, which is similar to a database and contains data specific to the output of a certain type of sensor or class of sensors—referred to as “signature data.” *Id.* at 6:50–54, 7:3–8. The glossary may contain, for example, data related to sound, data related to faces, biometric signature data, and G-force signature data. *Id.* at 6:54–66. If the input data matches information in the glossary, the signature matches may be categorized as an event that the

analysis subsystem reports to a reporting subsystem. *Id.* at 7:17–19, 28–32. A configuration database includes settings that establish sensitivity and context that affect the accuracy of the comparison process, and may include a threshold setting that functions to filter out certain events that should not be reported. *Id.* at 7:19–28, 8:53–60.

A reporting subsystem receives events reported by the analysis subsystem, and, if not filtered based on configuration settings, may broadcast an alert based on the event received. *Id.* at 7:34–38. The broadcast alert may be formatted as a text message, an automated telephonic message, an audible alarm, or may include any other type of notification signal. *Id.* at 7:51–55. The reporting subsystem may be configured to interface to a broadcasting subsystem, a public safety subsystem, or some other subsystem to broadcast an alert. *Id.* at 7:67–8:3. Upon receiving an alert, the broadcasting subsystem may broadcast the alert to a user-defined list of people, alarm companies, or any other user-defined entity specified in the configurations database. *Id.* at 8:4–8. The alert may also be a personal alert to the user of the system. *Id.* at 8:16–23. The public safety subsystem may interface with a plurality of reporting subsystems to send alerts to, for example, a hazardous material agency, missing persons bureau, traffic control, emergency, police, investigators, homicide detectives, and a Special Weapons and Tactics (SWAT) agency. *Id.* at 9:53–10:8.

#### *E. The Challenged Claims*

Petitioner challenges claims 1–20 of the '353 patent. Pet. 1. Claims 1, 12, and 18 are independent. Claim 1 is illustrative of the challenged claims and is reproduced below:

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